**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION No. 2688 OF 2007**

Shri Radheshyam Deosthan Mandir & ors.
v.
Jt. Charity Commr. & anr.

| Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr.A.S. Chandurkar Advocate for the petitioners.

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**CORAM: A.B. CHAUDHARI, J.**
**DATED : 3rd AUGUST, 2007.**

Heard Mr.Chandurkar, learned counsel for the petitioners. What is under challenge in this petition is the order dated 11.1.2007 made by the Joint Charity Commissioner, Nagpur by which the delay of about six months in filing the appeal was condoned. He submits that the pleadings in the application for condonation of delay in para 2 and the evidence led thereon by the respondent no.2 is at variance. Apart from the fact, no specific details about the alleged various steps taken by respondent no.2 have been elaborated properly.

2. Having heard the learned counsel and having seen the impugned order, it appears that respondent no.2 led evidence in support of the application for condonation of delay in filing appeal. Respondent no.2 was also cross-examined. Having appreciated the said evidence, the appellate court exercised the discretion, which is of course a judicial discretion, to condone the delay with a view to adjudicate the appeal on its merits rather than throwing out the litigation on the ground of delay. I do not find any infirmity in the impugned order so as to interfere in the extra ordinary jurisdiction. Petition dismissed.

JUDGE

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